

MAR 23 1992

7

No. 91-1010

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1991

PUERTO RICO AQUEDUCT AND SEWER
AUTHORITY,

Petitioner,

v.

METCALF & EDDY, INC.,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIRST
CIRCUIT

OPPOSITION TO MOTION FOR SUMMARY
DISPOSITION

Perry M. Rosen,
Counsel of Record
CUTLER & STANFIELD
Paige E. Reffe
Michael T. Brady
700 Fourteenth Street, N.W.
Washington, D.C. 20005
(202) 624-8400

Of Counsel:

TRIAS, ACEVEDO
& OTERO
Arturo Trias
Héctor Meléndez Cano
Miguel Garay
P.O. Box 366283
San Juan, Puerto Rico
00936-6283
(809) 753-7777

KLEIN, FARR,
SMITH & TARANTO
Richard Taranto
2550 M. Street, N.W.
Suite 350
Washington, D.C. 20037
(202) 775-0184

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1991

PUERTO RICO AQUEDUCT AND SEWER
AUTHORITY,

Petitioner,

v.

METCALF & EDDY, INC.,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIRST
CIRCUIT

OPPOSITION TO MOTION FOR SUMMARY
DISPOSITION

Petitioner, the Puerto Rico Aqueduct and Sewer Authority, opposes Respondent's Motion for Summary Disposition.

By granting the Petition for Writ of Certiorari and setting the case for full briefs and argument, this Court determined that the parties and interested *amici* should be given the opportunity to present a more thorough analysis of the merits than was possible at the Petition stage. While the analysis contained in the Petition could have justified summary reversal of the decision below, it did not include as developed a discussion of the issues as Petitioner expects to submit in its brief on the merits.

Respondent's efforts to short-circuit the usual process of this Court should be rejected. Summary affirmance of the decision below would reverse the decisions of six other circuits without having given Petitioner and the twenty-two States and Commonwealths which supported the Petition an opportunity to address the matter fully.

Respondent's concern about the cost of awaiting full adjudication is shared by virtually every respondent before this Court. That concern does not justify deviating from this Court's usual practice of considering the issue in question upon full briefing and oral argument — particularly as Respondent has always been free to prosecute this case in courts of the Commonwealth of Puerto Rico, thereby avoiding whatever delay may have been associated with Petitioner's assertion of its rights under the Eleventh Amendment.

Because of the serious consequences of this case for each of the United States and Commonwealths, Respondent's Motion for Summary Disposition should be denied.

Respectfully filed on March 23, 1992,

Perry M. Rosen,
Counsel of Record
 Paige E. Reffe
 Michael T. Brady
 CUTLER & STANFIELD
 700 Fourteenth Street, N.W.
 Washington, D.C. 20005
 (202) 624-8400

Of Counsel:

Richard Taranto
 KLEIN, FARR, SMITH & TARANTO
 2550 M. Street, N.W.
 Suite 350
 Washington, D.C. 20037
 (202) 775-0184

Arturo Trías
 Héctor Meléndez Cano
 Miguel Garay
 TRIAS, ACEVEDO & OTERO
 P.O. Box 366283
 San Juan, Puerto Rico 00936-6283
 (809) 753-7777